

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.833 OF 2006
IN
CRIMINAL APPEAL NO.726 OF 2006

Mehboob Ali Mohd.Yakub Shaikh

...Applicant

vs.

State of Maharashtra

...Respondent

Mr.Niranjan Mundergi i/b Ms Kalpana Hire for the Applicant
Mr.A.S.Shitole,A.P.P. for State

CORAM: A.S.OKA, J.
DATE : DECEMBER 7, 2006.

P.C.:

1. Heard the Advocate for the Applicant and the learned A.P.P. for State. The conviction of the Applicant is for offences punishable under section 489-B and 489-C of the Indian Penal Code. The substantive sentences are ordered to run concurrently. The maximum substantive sentence is R.I. for five years for the offence under section 489-B. The Applicant was on bail throughout the trial. The allegation against the Applicant is that he was possessing two counterfeit currency notes of Rs.500/- each and he attempted to use the said notes for purchasing cigarette packets. So far as the knowledge of the Applicant that the currency notes of Rs.500/- were fake currency notes, the case of the prosecution appears to be that the Applicant at the relevant time was possessing genuine currency notes of Rs.100/- and Rs.50/- and still he insisted on offering fake currency notes.

Prima facie, it appears to me that the genuine currency notes of the denomination of Rs.100/- and Rs.50/- allegedly in possession of the Applicant were not produced before the trial Court.

2. Considering the evidence on record and considering the fact that the Applicant was on bail throughout the trial, a case is made out for enlarging the Applicant on bail subject to conditions :

3. Hence, I pass the following order :

i) The Applicant shall be enlarged on bail in the sum of Rs.15,000/- (Rupees fifteen thousand only) with one or two local sureties in the like amount.

ii) Bail is granted subject to condition that the Applicant will report to Tardeo Police station, Mumbai once in every calender month till the disposal of the Appeal.

JUDGE